

1 **LEW BRANDON, JR., ESQ.**

Nevada Bar No.: 5880

2 **MORAN LAW FIRM, LLC**

3 630 S. Fourth Street

Las Vegas, Nevada 89101

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(702) 384-6568 - *facsimile*

5 *l.brandon@moranlawfirm.com*

Attorney for Defendant,

6 NEW ALBERTSONS, INC., a Delaware corporation

7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**

9 CAROLYN BLACKMON, an  
10 individual,

11 Plaintiff,

12 v.

13 NEW ALBERTSON'S, INC, a  
14 Delaware Corporation, erroneously  
15 named as ALBERTSON'S, LLC, a  
foreign limited liability company;  
16 ALBERTSON'S HOLDINGS, LLC, a  
foreign limited liability company;  
17 DOES I through X, and ROE  
18 COMPANIES XI through XX,  
inclusive,

19 Defendants.

CASE NO.:

20 **DEFENDANT, NEW ALBERTSONS, INC., A DELAWARE**  
21 **CORPORATION'S NOTICE OF REMOVAL OF ACTION TO UNITED**  
22 **STATES DISTRICT COURT UNDER 28 USC § 1441(a)**

23 Defendant, NEW ALBERTSONS, INC., A DELAWARE CORPORATION  
24 by its undersigned attorney, LEW BRANDON, JR., ESQ. of the MORAN LAW  
25 FIRM, LLC, hereby removes the above-captioned case to the United States District  
26 Court, Clark County, Nevada, where the action is now pending, pursuant to 28 USC  
27 § 1441 (a) and states as follows:  
28



**MORAN LAW FIRM, LLC**  
MORAN BRANDON BENDAVID MORAN  
ATTORNEYS AT LAW

630 SOUTH 4TH STREET  
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PHONE: (702) 384-8424  
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1           1.     The above entitled action was commenced in the Eighth Judicial  
2 District Court, Clark County, State of Nevada on March 31, 2010, bearing Case No.  
3 A-10-613128-C. The action is now pending in the Eighth Judicial District Court,  
4 Clark County, State of Nevada.

5  
6           2.     By way of agreement by the respective parties, an Amended  
7 Complaint was drafted and served upon Counsel for New Albertsons, Inc. on April  
8 26, 2010. This Notice of Removal was filed timely. Thus, pursuant to Fed. R. Civ.  
9 P. 6 (a), the last day of the thirty (30) day period to be computed is May 24, 2010.

10  
11           3.     This action concerns an allegation that the Defendant was negligent  
12 because the Plaintiff tripped over a metal plate that was allegedly not completely  
13 screwed down, causing Plaintiff to fall to the ground with injury as a consequence.

14           4.     At the commencement of this action and at the time of the filing of  
15 this Notice of Removal, Plaintiff, Carolyn Blackmon was, and now is, a citizen of the  
16 State of Nevada.

17  
18           5.     At the commencement of this action and at all times herein,  
19 Defendant, New Albertsons, Inc. was, and now is, a corporation duly organized and  
20 existing under the laws of the State of Delaware with its principal place of business in  
21 Minneapolis, Minnesota, and therefore, is a citizen of the States of Delaware and  
22 Minnesota.

23  
24           6.     At the commencement of this action and all times herein, Defendant  
25 Albertsons, LLC and Defendant, Albertsons Holdings, LLC are not and were not  
26 legally responsible, nor are anticipated to be filing a responsive pleading in this  
27  
28



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1 action as they are not specifically named in the Amended Complaint, except for and  
2 only by the caption.

3 7. Upon information and believe, the Plaintiff's medical specials are in  
4 excess of \$380,000. As a result, the amount in controversy exceeds \$75,000.

5  
6 8. The United States District Court for the District of Nevada has  
7 original jurisdiction pursuant to 28 U.S.C. § 1332 in that the parties are citizens of  
8 different States and the amount in controversy exceeds the sum or value of \$75,000  
9 exclusive of interests and costs.

10 9. Accordingly, Plaintiff's Complaint is removal pursuant to 28 U.S.C.  
11 1441, which provides that a defendant may remove a case over which the federal  
12 court has original jurisdiction.

13  
14 10. A copy of all process and pleadings served upon the Defendant is  
15 attached hereto as Exhibit "1."

16 WHEREFORE, Defendant, New Albertsons, Inc., a Delaware corporation  
17 respectfully requests that this action proceed in this Court as an action properly  
18 removed to it.

19  
20 DATED this 14 day of May, 2010.

21 MORAN LAW FIRM, LLC

22  
23   
24 LEW BRANDON, JR., ESQ.

25 Nevada Bar No. 5880

26 630 S. Fourth Street

27 Las Vegas, Nevada 89101

28 Attorney for Defendant,

NEW ALBERTSONS, INC.



MORAN LAW FIRM, LLC  
MORAN BRANDON BENDAVID MORAN  
ATTORNEYS AT LAW

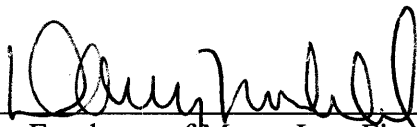
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**CERTIFICATE OF MAILING**

Pursuant to Federal Rule of Civil Procedure 5(b), I hereby certify that I am an employee of MORAN LAW FIRM, LLC, and that I am a person of such age and discretion as to be competent to serve papers and that on May **17**, 2010, I duly deposited for mailing a true and correct copy of the foregoing **DEFENDANT, NEW ALBERTSONS, INC., A DELAWARE CORPORATION'S NOTICE OF REMOVAL OF ACTION TO UNITED STATES DISTRICT COURT UNDER 28 USC § 1441(a)** enclosed in a sealed envelope upon which first class postage was fully prepaid, in the United States Mail at Las Vegas, Nevada, addressed to them as follows:

**WILLIAM K. ERRICO, ESQ.**

Nevada Bar No. 6633  
William Errico & Associates  
2850 W. Horizon Ridge Parkway  
Henderson, Nevada 89052  
Attorney for Plaintiff,  
CAROLYN BLACKMON

  
An Employee of Moran Law Firm, LLC



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